

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL J. PALLADINO, as President of :  
the NEW YORK CITY DETECTIVES' :  
ENDOWMENT ASSOCIATION, et al., :

07 Civ. 9246

Plaintiffs, :

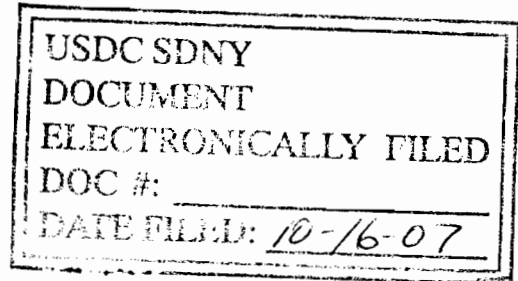
ORDER

-v- :

THE CITY OF NEW YORK, THE NEW YORK :  
CITY POLICE DEPARTMENT, AND RAYMOND :  
W. KELLY, as COMMISSIONER of the NEW :  
YORK CITY POLICE DEPARTMENT, :

Defendants. :  
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JED S. RAKOFF, U.S.D.J.



On October 16, 2007, plaintiffs presented to the Court sitting in Part I a proposed Order to Show Cause for a preliminary injunction in a case previously assigned to Judge George B. Daniels of this Court. The Order to Show Cause asks that this Court enjoin the defendants during the pendency of this action from further implementation and/or application of a certain Interim Order, issued September 30, 2007, Reference P.G. 212 Series, with the subject "Alcohol Testing for Uniformed Members of the Service Involved in Firearms Discharges Resulting in Injury to or Death of a Person."


Notwithstanding being informed by Judge Daniels's Chambers that Judge Daniels would be returning to the Court no later than the morning of October 18, 2007, plaintiffs' counsel insisted that the matter be presented to the undersigned sitting in Part I. However, plaintiffs' moving papers, among other defects, made no attempt to comply with Rule 65(a)(1) or (b)(2) of the Federal Rules of Civil

Procedure, in that there was no affidavit of service and no certification in writing of any efforts made to give notice or any reasons why notice should not be required.

Accordingly, the application for an Order to Show Cause is hereby denied without prejudice to its being renewed upon a proper showing. In any such showing, which under these circumstances must be made by affidavit, counsel for plaintiffs is directed to state with specificity, if he can, the reason why consideration of the Order to Show Cause cannot await Judge Daniels's return, less than a day and a half from now.

SO ORDERED.

Dated: New York, NY  
October 16, 2007

  
JED S. RAKOFF, U.S.D.J.